

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ALFONSO FRANKLIN,

Plaintiff,

v.

Case No. 16-12699

STATE OF MICHIGAN,

HON. TERRENCE G. BERG

HON. ANTHONY P. PATTI

Defendant.

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**ORDER ACCEPTING AND ADOPTING REPORT AND  
RECOMMENDATION (DKT. 13), GRANTING  
DEFENDANT'S MOTION TO DISMISS (DKT. 9)**

This matter is before the Court on Magistrate Judge Anthony P. Patti's April 4, 2017 report and recommendation (Dkt. 13), recommending that Defendant's motion to dismiss (Dkt. 9) be granted, and that Plaintiff's claims be dismissed with prejudice. The Court has carefully reviewed the Magistrate Judge's report and recommendation, and finds that it is well-reasoned and supported by the relevant law. The law provides that either party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). As of this date, no party filed any objections to the report and recommendation, and the time to do so has now expired.

The district court will make a "*de novo* determination of those portions of the report . . . to which objection is made." *Id.* Where, as here, neither party objects to the report, the district court is not obligated to independently review the record. *See Thomas v. Arn*, 474 U.S. 140, 149-52 (1985). The Court will, therefore, accept

the Magistrate Judge's report and recommendation of April 4, 2017, as this Court's findings of fact and conclusions of law.

Accordingly, it is hereby **ORDERED** that Magistrate Judge Patti's Report and Recommendation of April 4, 2017 (Dkt. 13) is **ACCEPTED** and **ADOPTED**. It is **FURTHER ORDERED** that Defendant's motion to dismiss (Dkt. 9) is **GRANTED**. Plaintiff's claims against the State of Michigan are hereby **DISMISSED WITH PREJUDICE**.

**SO ORDERED.**

Dated: May 23, 2017

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

#### **Certificate of Service**

I hereby certify that this Order was electronically submitted on May 23, 2017, using the CM/ECF system, which will send notification to all parties.

s/A. Chubb  
Case Manager